

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

TAMIKO JONES,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of the  
Social Security Administration,

Defendant.

Case No. EDCV 07-11-JWJ

ORDER GRANTING IN PART  
PLAINTIFF'S MOTION FOR  
EAJA ATTORNEY'S FEES

Plaintiff has filed a Motion for Attorney's Fees pursuant to 28 U.S.C. §2412, the Equal Access to Justice Act. Defendant has filed an Opposition. The matter has been taken under submission without oral argument. The Court now grants plaintiff's motion, although in a lesser amount than sought.

After a careful review of the pleadings in this matter, the Court has determined that Plaintiff should receive an attorney's fee award pursuant to the Equal Access to Justice Act (EAJA). See 28 U.S.C. § 2412. The Court finds that while the position taken by the Commissioner in this matter was certainly not frivolous, it also was not substantially justified.

Plaintiff has provided the Court with justification for 35.2 hours of attorney time. The Court will not consider an award for attorney time that

1 has not been justified. The Court finds that the eighteen hours spent by  
2 plaintiff counsel in summarizing testimony before the administrative law  
3 judge and relevant medical records is excessive. Thus, the Court has  
4 determined to reduce the award for that portion of plaintiff counsel's work  
5 by five hours.

6 Accordingly, **IT IS ORDERED** that pursuant to the EAJA, plaintiff  
7 receive an attorney's fee award for 30.2 hours at a rate of \$167.77. Thus, the  
8 total EAJA fee award shall be \$5,066.65.

9 **IT IS THEREFORE ORDERED** that EAJA fees in the amount of  
10 \$5,066.65 be paid to plaintiff by defendant pursuant to 28 U.S.C. § 2412.

11  
12 DATED: September 12, 2008

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14 /s/  
15 JEFFREY W. JOHNSON  
16 United States Magistrate Judge  
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